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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,605	01/22/2001	Samuel M. Lester	10002197-1	2526

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EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,605

Applicant(s)

LESTER, SAMUEL M.

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Amendment for Application Number 09/767,605 received on 24 July 2004.
2. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al. (U.S. Patent Number 5,130,806).

3. Regarding claims 16 and 17, Reed discloses an imaging device comprising:
a display configured to display status information related to operations of the imaging device (Reed, col. 5, lines 50-55);

the imaging device being configured to receive instructions from a computing device that cause the imaging device to display information unrelated to the operations of the imaging device (Reed, col. 6, lines 45-67).

where the imaging device includes a printer, a scanner, and a fax machine (Reed, col. 6, lines 45-50).

Claims 1, 3-6, 8-11, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Spoffard (U.S. Patent Number 6,112,235) hereinafter referred to by Spoffard.

4. Regarding claims 1 and 11, Spoffard discloses a system comprising:

office equipment that includes a display, the display being used by the office equipment to provide status as to operation of the office equipment (Figures 1, 12 and Figure 3, 32, Spoffard teaches a plurality of computers connected in a network, each having a display to display status information);

a computing system, in communication with the office equipment, the computing system for obtaining information unrelated to operation of the office equipment, and for causing the office equipment to display the information in place of a status message (Spoffard, col. 2, lines 10-16, Spoffard teaches the computers sharing information, lines 40-50, Spoffard teaches an HTML website that displays status information of network hardware devices).

5. Regarding claim 6, Spoffard discloses a method comprising:

obtaining, by a computing system, information unrelated to operation of office equipment (Spoffard, col. 2, lines 10-15, Spoffard teaches each computer being a personal computer running in a windows based environment, therefore being able to obtain information unrelated to the operation of office equipment);

generating, by the computing system, instructions to the office equipment to display the information (col. 2, lines 10-20, Spoffard teaches computers sharing information and it therefore inherent that instructions must be generated for one computer to send information to another);

sending the instructions from the computing system to the office equipment (col. 2, lines 10-20); and,

displaying the information by the office equipment that on a display used by the office equipment to provide status as to operation of the office equipment, the information being displayed in place of a status message (Spoffard, col. 2, lines 10-16, Spoffard teaches the computers sharing information, lines 40-50, Spoffard teaches an HTML website that displays status information of network hardware devices).

6. Regarding claims 3, 4, 8, 9, 13, 14, Spoffard teaches the limitations, substantially as claimed, as described in claims 1, 6, and 11, including wherein the computing system obtains information from an internet site on a network (col. 1, lines 51-52, col. 2, lines 40-50).

7. Regarding claims 5, 10, and 15, Spoffard teaches the limitations, substantially as claimed, as described in claims 1, 6, and 11, including wherein the computing system

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obtains information from another computing system, which requests display of the information (Figure 3, col. 2, lines 40-50, line 66 through col. 3, line 35, Spoffard teaches a client obtaining information from a server, which requests display information from the network device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spoffard in view of Prithviraj et al. (U.S. Patent Number 5,987,513) hereinafter referred to by Prithviraj.

8. Regarding claims 2, 7, and 12, Spoffard teaches the limitations, substantially as claimed, as described in claims 1, 6, and 11. Spoffard does not disclose wherein the network devices comprise of at least one of the following: a printer, a scanner, a fax machine, a telephone, and a telephone answering machine.

In an analogous art, Prithviraj discloses a network based management system wherein a user can manage network elements including a printer (col. 10, lines 1-6).

Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine Spoffard with Prithviraj to allow a user to monitor a remote network, preferably from several machines and facilitate easier problem resolution for network elements.

Response to Amendment

Applicant's arguments and amendments filed on 24 July 2004 have been carefully considered but they are not deemed fully persuasive.

9. Applicant's arguments with respect to claims 1, 3-6, 8-11, and 13-15 have been fully considered but they are not persuasive. Applicant's arguments include the failure of previously applied art to expressly disclose the teachings of two separate elements, office equipment, and a computing system [see Applicant's Response, filed 24 July 2004 page 6]. It is evident from the mappings found in the above rejection that Spoffard discloses the teaching of multiple computers (Fig. 1, 12, plurality of computers), where one computer is considered office equipment, and they are sharing information (Spoffard, col. 2, lines 14-16). It is inherent that shared information is displayed on the computer monitors. Because there are multiple computers, one can be considered the computing system and another can be considered office equipment. Computers connected through a network are able to send messages. Further, it is clear from the numerous teachings (previously and currently cited) that "sending messages to office equipment" was widely implemented in the networking art.

10. The independent claims recite "information unrelated to operation of the office equipment." This limitation allows multiple interpretations. For instance, a message

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reporting the status of a device is any message containing state information on that device. However, any other kind of message may be considered a status message since the device must be alive (in a working state) to receive the message. The independent claims also recite "display the information in place of a status message." This limitation also allows multiple interpretations. Displaying the information could mean printing out the information on a printer or fax machine.

11. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

12. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

13. Applicant only claims sending messages between office equipment. By Spoffard including a plurality of computers sending information to each other, Spoffard teaches office equipment sharing information.

14. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Spoffard clearly teaches the independent claims of the Applicant's claimed invention.

15. Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique [**see Spec page 4, lines 4-10, page 6, lines 4-8**]. As it is extremely well known in the networking art as already shown by Spoffard as well as other prior arts of records disclosed Sending messages between office equipment is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

16. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

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17. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571)272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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